## REMARKS

Claims 1-8 are now pending. The Examiner has maintained rejection of claims 1-8 in the Advisory Action of July 6, 2006.

Applicants have amended claim 1. The Examiner indicated in a phone conference on September 20, 2006 that the proposed amended claim 1 overcomes the rejection based on the prior art of record.

**Claim Rejections under 35 U.S.C. § 103(a)**

Claims 1-8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Daberko et al. (U.S. Pat. No. 5,839,108 A) in view of Haimi-Cohen (U.S. Pat. No. 6,233,320 B1) and further in view of Takahashi (U.S. Pat. No. 6,044,341 A).

With regard to an obviousness rejection, MPEP 2142 states that in order for a *prima facie* case of obviousness to be established, three basic criteria must be met, one of which is that the reference or combination of references must teach or suggest all the claim limitations. Further, MPEP 2143.01 states that "the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art suggests the desirability of the combination", and that "although a prior art device 'may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so'" (citing In re Mills, 916 F. 2d 680, 16 USPQ 2d 1430 (Fed Cir. 1990)). Moreover, MPEP 2143.01 also states that the level of ordinary skill in the art cannot be relied upon to provide the suggestion...," citing Al-Site Corp. v. VSI Int'l Inc., 174 F. 3d 1308, 50 USPQ 2d. 1161 (Fed Cir. 1999) is that the reference or combinations of references must teach or suggest all the claim limitations.

Regarding amended independent claim 1 and its dependent claims (i.e., claims 2-8), Applicants respectfully submit that the referenced art, Daberko et al. in view of Haimi-Cohen and further in view of Takahashi, fails to disclose the claimed invention of claim 1. More specifically, the combination of Daberko et al., Haimi-Cohen, and Takahashi does not teach "voice signals [being] analyzed for record-worthiness and recorded into the string of data records responsive to a determination that the voice signals are record-worthy, wherein portions of the

voice signal determined to not be record-worthy are discarded and replaced with placeholders indicating locations associated with the dropped portions."

The Examiner stated that Takahashi teaches noise suppression for recording and concluded that noise suppression is equivalent to analyzing voice signals for record worthiness. Applicants respectfully disagree, however, claim 1 has been amended pursuant to the phone conference with the Examiner on September 20, 2006, during which the Examiner agreed that Takahashi does not disclose dropping portions of the voice signals that are determined to no be record-worthy.

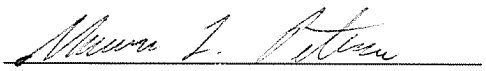
Therefore, Applicants traverse rejection of claim 1 and its dependent claims 2-8 over the cited references, Daberko et al., Haimi-Cohen, and Takahashi, and Applicants respectfully submit that claims 1-8 are allowable over Daberko et al., Haimi-Cohen, and Takahashi.

Based on at least the foregoing, Applicants believe that claims 1-8 are in condition for allowance. If the Examiner disagrees or has questions regarding this submission, Applicants invite the Examiner to telephone the undersigned at (312) 775-8000.

The Commissioner is hereby authorized to charge additional fees or credit overpayments to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Date: September 21, 2006

Respectfully submitted,



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